

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
New DBSD Satellite Service G.P.,)	IB Docket No. 11-149
Debtor-in-Possession, and)	
TerreStar License Inc., Debtor-in-Possession)	
)	
Request for Rule Waivers and Modified)	
Ancillary Terrestrial Component Authority)	
)	
Fixed and Mobile Services in the)	ET Docket No. 10-142
Mobile Satellite Service Bands at)	
1525-1559 MHz and 1626.5-1660.5 MHz,)	
1610-1626.5 MHz and 2483.5-2500 MHz,)	
and 2000-2020 MHz and 2180-2200 MHz)	

REPLY COMMENTS OF GLOBALSTAR, INC.

Globalstar, Inc. (“Globalstar”) hereby replies to filings submitted on October 27, 2011 in the proceeding on the above-captioned requests of New DBSD Satellite Services G.P., Debtor-in-Possession (“New DBSD”), and TerreStar License, Inc., Debtor-in-Possession (“TerreStar”) (together, the “2 GHz Licensees”).¹ Globalstar continues to support the 2 GHz Licensees’ request for relief from the Commission’s integrated services gating requirement. Greater terrestrial flexibility will increase the use of the 2 GHz mobile satellite service (“MSS”) spectrum, promote the economic viability of MSS in that spectrum, and further broadband development in the United States. While Globalstar does not seek relief in the instant

¹ See *New DBSD Satellite Service G.P., Debtor-in-Possession, and TerreStar License Inc., Debtor-in-Possession, Request for Rule Waivers and Modified Ancillary Terrestrial Component Authority; Pleading Cycle Established*, IB Docket No. 11-149, Public Notice, DA 11-1555 (rel. Sep. 15, 2011) (“*Public Notice*”); *Application for Modification of Ancillary Terrestrial Component Authority*, File No. SES-MOD-20110822-00985 (Aug. 22, 2011) (“*New DBSD Request*”); *Application for Modification of Ancillary Terrestrial Component Authority*, File No. SES-MOD-20110822-00983 (Aug. 22, 2011) (“*TerreStar Request*”).

proceeding, it plans to request greater terrestrial flexibility once it has made sufficient progress toward the deployment of its second-generation MSS constellation. Whether considered in a rulemaking or in an analogous waiver proceeding, interested parties will have an opportunity to address all issues related to Globalstar's request for relief in the Big LEO band.²

I. THE FCC SHOULD GRANT THE 2 GHz LICENSEES' RELIEF FROM THE INTEGRATED SERVICES GATING REQUIREMENT

Globalstar continues to support the 2 GHz Licensees' request for relief from the Commission's ancillary terrestrial component ("ATC") integrated services gating requirement. Granting the 2 GHz Licensees relief, whether by waiver or rulemaking, would advance the public interest.³ As the 2 GHz Licensees point out, grant of this relief would "help alleviate the 'spectrum crunch' that Chairman Genachowski recently characterized as 'the single biggest threat to one of the most promising parts of our economy.'"⁴ Greater terrestrial flexibility in the 2 GHz band would result in expanded and improved mobile broadband,⁵ and would enable the 2 GHz Licensees to expand their subscriber base by "offer[ing] devices and services that are better

² These reply comments are timely filed, consistent with Sections 1.4(g)-(h), 1.45, and 1.939(c) of the Commission's rules and consultation with Commission staff. *See* 47 C.F.R. §§ 1.4(g)-(h), 1.45, & 1.939(c). The filings to which Globalstar responds in this reply were served via U.S. mail. Counsel for Globalstar did not receive the served copy of Iridium Satellite LLC's response until October 31, the same day that filing was posted on ECFS. Globalstar's counsel did not receive the served copy of the U.S. GPS Industry Council's response until November 1, one day before that filing was posted on ECFS.

³ As Globalstar stated in its Comments, it would be more equitable and efficient for the Commission to eliminate the integrated service gating requirement and otherwise increase terrestrial flexibility through its rulemaking process, which would yield rules that apply uniformly to all MSS licensees. Comments of Globalstar, Inc., IB Docket No. 11-149 & ET Docket No. 10-142, at 4-5 (Oct. 17, 2011).

⁴ Consolidated Opposition to Petitions to Deny and Response to Comments, IB Docket Nos. 11-149 & 11-150, at 2 (Oct. 27, 2011) ("2 GHz Licensees' Response") (quoting Julius Genachowski, FCC Chairman, Remarks at the U.S. Chamber of Commerce, at 5 (Oct. 14, 2011)).

⁵ 2 GHz Licensees' Response at 2.

tailored to subscriber demand”⁶ and “making alternatives available to these consumers that suit their particular needs.”⁷ Significantly, increased revenue from the wider array of services in the 2 GHz band would strengthen the MSS offerings in that spectrum. As the 2 GHz Licensees describe, grant of this relief would “ensure that, far from atrophying, the crucial MSS will be more robust and viable than it is today and will readily be available to anyone who wants it and needs it.”⁸ For all of these reasons, granting the 2 GHz Licensees relief from the integrated services gating requirement is in the public interest.

II. THE COMMISSION SHOULD GRANT GREATER TERRESTRIAL FLEXIBILITY IN THE BIG LEO BAND THROUGH A RULEMAKING OR ITS WAIVER PROCESS

A future grant of similar terrestrial flexibility in the Big LEO band would also further the public interest. As it has described previously, Globalstar’s nearly 20 megahertz allotment of terrestrial use spectrum can very quickly be added to the nation’s broadband “spectrum inventory,” likely as rapidly as any other portion of spectrum identified last year in the National Broadband Plan.⁹ With this greater terrestrial flexibility, Globalstar’s Big LEO spectrum could generate the revenues and investment necessary to fund the substantial capital and operational costs of providing MSS. Globalstar would have a stronger financial foundation on which to provide its state-of-the-art, mission-critical Big LEO satellite services to consumers and public safety personnel around the country and the world.

⁶ *Id.* at 17.

⁷ *Id.* at 23.

⁸ *Id.* at 16.

⁹ See FCC, “Connecting America: The National Broadband Plan” (rel. March 16, 2010), *available at*: <<http://download.broadband.gov/plan/national-broadband-plan.pdf>> (“National Broadband Plan”).

In response to concerns expressed by the U.S. GPS Industry Council (“GPS Council”) and Iridium Satellite LLC (“Iridium”),¹⁰ Globalstar clarifies that it is not requesting that the Commission grant it this relief in the instant proceeding. The 2 GHz Licensees’ waiver requests should, of course, be the Commission’s primary focus in this docket. As Globalstar proceeds with the launches of its second-generation MSS constellation, however, it anticipates that at the appropriate time it will request greater terrestrial flexibility in the Big LEO band.¹¹ Once Globalstar has filed its request, the Commission should expeditiously review the relevant policy and technical issues relating to greater terrestrial flexibility in the Big LEO band, including those raised by the GPS Council and Iridium in their October 27 responses.¹² Globalstar looks forward to working with all interested parties on these issues.

Initially, Globalstar viewed the Commission’s rulemaking process as the best vehicle for establishing greater terrestrial flexibility in the MSS spectrum. Globalstar has actively participated in the Commission’s pending rulemaking process on MSS ATC issues, and, in its

¹⁰ Response, Iridium Satellite LLC, IB Docket No. 11-149 & ET Docket No. 10-142 (Oct. 27, 2011) (“Iridium Response”); Response of the U.S. GPS Industry Council to Initial Comments of Globalstar, Inc., IB Docket No. 11-149 (Oct. 27, 2011) (“GPS Council Response”).

¹¹ Globalstar expects to become the first global LEO MSS voice and data company to have launched a state-of-the-art, second-generation MSS system. Over the past year, Globalstar has launched the first twelve satellites of its second-generation MSS constellation, and it plans two additional launches of six satellites each, one in December 2011 and the other early in 2012. Once operational, Globalstar’s state-of-the-art second-generation MSS network should support reliable and effective voice and data services to consumers, public safety personnel, and other customers in the U.S. and internationally.

¹² In its filing, Iridium reiterates its previous claim that “the Big LEO band must be retained for primary use by MSS and any terrestrial use of this band must remain ancillary to MSS.” Iridium Response at 4. Iridium has never explained, however, why such a restriction is necessary to support its MSS offerings or to ensure that “sufficient spectrum remains available exclusively for these operations.” *Id.* Iridium has not presented any evidence that terrestrial operations in Globalstar’s spectrum would cause harmful interference – or any other harm – to Iridium’s services above 1618.725 MHz. Globalstar expects that these technical issues will be addressed directly in any proceeding on increased terrestrial flexibility in the Big LEO band.

September 2010 comments, it proposed a new, more flexible regulatory framework for MSS-terrestrial operators that provide substantial satellite service.¹³ However, if the Commission grants the 2 GHz Licensees' waiver request and does not move forward expeditiously with its pending MSS ATC rulemaking, Globalstar naturally will pursue similar relief in the Big LEO band through the Commission's well-established waiver procedure.

Following a grant to the 2 GHz Licensees in the instant proceeding, the Commission (or the International Bureau) will have granted the necessary relief to all but one of the MSS licensees seeking greater terrestrial flexibility in their respective bands: Globalstar. It would be inequitable for the Commission to require Globalstar alone to await the outcome of what, as the 2 GHz Licensees describe, could be an extended rulemaking process.¹⁴

The Commission's administrative processes will provide the GPS Council, Iridium, and all interested parties with ample opportunity to address the policy and technical issues raised by increased terrestrial flexibility in the Big LEO band. Accordingly, if Globalstar determines that its best course is to seek a similar waiver of the Commission's integrated services requirement, the Commission should consider that request expeditiously with a new application proceeding, just as it did for the other MSS licensees.

¹³ See, e.g., Comments of Globalstar, Inc., ET Docket No. 10-142 (Sep. 15, 2010).

¹⁴ The 2 GHz Licensees state that "[t]he number, complexity, and broad scope of [MSS *NOI*] issues render it uncertain when or even if the Commission will issue a notice of proposed rulemaking ("NPRM") and ultimately a final order establishing a comprehensive plan to alter its approach to these bands" 2 GHz Licensees' Response at 13. During this rulemaking delay and without the needed waivers, the 2 GHz Licensees state that "it is highly uncertain that [they] can commence wide-scale design and construction efforts for a terrestrial network, and it is certain that any design and construction activities that may be undertaken at all will have to proceed at a significantly slower pace." *Id.* at 14.

III. CONCLUSION

The Commission should grant the 2 GHz Licensees' relief from the integrated services gating requirement. Once Globalstar has made sufficient progress in the deployment of its second-generation MSS constellation and seeks similar relief in the Big LEO band, the Commission should expeditiously address all relevant policy and technical issues relating to increased terrestrial flexibility in the Big LEO band, either in the context of its pending rulemaking or in a waiver proceeding.

Respectfully submitted,

L. Barbee Ponder IV
General Counsel & Vice President
Regulatory Affairs
Globalstar, Inc.
300 Holiday Square Blvd
Covington, LA 70433

/s/ Regina M. Keeney
Regina M. Keeney
Stephen J. Berman
Lawler, Metzger, Keeney & Logan, LLC
2001 K Street NW, Suite 802
Washington, DC 20006
(202) 777-7700

Counsel for Globalstar, Inc.

November 8, 2011

Certificate of Service

I hereby certify that on this 8th day of November, 2011, I caused a true and correct copy of the foregoing Comments of Globalstar, Inc. to be mailed by U.S. mail, postage prepaid, to:

Douglas Brandon, General
Counsel and Secretary
Alexandra Field, Senior Vice President &
Deputy General Counsel
TerreStar License, Inc., Debtor-in-Possession;
& TerreStar License Inc., Debtor-in-Possession
12010 Sunset Hills Road
Reston, VA 20190

Peter A. Corea
Vice President, Regulatory Affairs
DBSD North America, Inc., Debtor-in-
Possession; and New DBSD Satellite
Services G.P., Debtor-in-Possession
11700 Plaza America Dr., Suite 1010
Reston, VA 20190

Pantelis Michalopoulos
Christopher Bjornson
Stephanie A. Roy
Andrew W. Guhr
Steptoe & Johnson LLP
1330 Connecticut Avenue, NW
Washington, DC 20036
*Counsel for DISH Network Corporation and
Gamma Acquisition L.L.C.*

R. Stanton Dodge
Executive VP, General Counsel, & Secretary
DISH Network Corporation
9601 S. Meridian
Englewood, CO 80112

John T. Scott, III
Catherine M. Hilke
Verizon Wireless
1300 I Street NW, Suite 400-W
Washington, D.C. 20005

Tom Davidson
Sean Conway
Akin Gump Strauss Hauer & Feld LLP
1333 New Hampshire Ave. NW
Washington, DC 20036
*Counsel for TerreStar License, Inc., Debtor-in-
Possession; and TerreStar License Inc.,
Debtor-in-Possession*

Nelson Bellido, Esq.
Marian Kennady
On Behalf of Aldo I. Perez
Equity Holder of TerreStar Corp., Inc.
CONCEPCION MARTINEZ & BELLIDO
255 Aragon Avenue, 2nd Floor
Coral Gables, FL 33134

Jeffrey H. Blum
Senior Vice President & Deputy General
Counsel
Alison A. Minea, Corporate Counsel
DISH Network Corporation and Gamma
Acquisition L.L.C.
1110 Vermont Avenue NW, Suite 750
Washington, DC 20005

Timothy M. Dozois
Acting General Counsel
Pendrell Corporation
2300 Carillon Point
Kirkland, WA 98033

William L. Roughton
Michael Goggin
Gary L. Phillips
Paul K. Mancini
AT&T Services, Inc.
1120 20th Street NW, Suite 1000
Washington, DC 20036

Michael F. Altschul
Christopher Guttman-McCabe
Scott K. Bergmann
CTIA – The Wireless Association®
1400 Sixteenth Street NW, Suite 600
Washington, DC 20036

Edward J. Black
Catherine R. Sloan
Phillip A. Berenbroick
Computer & Communications Industry
Association (CCIA)
900 17th Street NW, Suite 1100
Washington, DC 20006

Donna Bethea Murphy
Vice President, Regulatory Engineering
Iridium Satellite LLC
1750 Tysons Boulevard, Suite 1400
McLean VA 22102

Kathleen O'Brien Ham
Vice President, Federal Regulatory Affairs
T-Mobile USA, Inc.
601 Pennsylvania Ave. NW, Suite 800
Washington, DC 20004

Marc S. Martin
Brendon P. Fowler
K&L Gates LLP
1601 K Street, NW
Washington, DC 20006-1600
Counsel to Sprint Nextel Corporation

Raul R. Rodriguez
Stephen D. Baruch
David S. Keir
Lerman Senter PLLC
2000 K Street NW, Suite 600
Washington, DC 20006-1809
Counsel for U.S. GPS Industry Council

Additionally, I caused a true and correct copy of the foregoing Comments of Globalstar, Inc. to be mailed by electronic mail to:

William Bell
Federal Communications Commission
William.Bell@fcc.gov

Sankar Persaud
Federal Communications Commission
Sankar.Persaud@fcc.gov

Jeremy Marcus
Federal Communications Commission
Jeremy.Marcus@fcc.gov

Ronald Repasi
Federal Communications Commission
Ronald.Repasi@fcc.gov

Best Copy and Printing, Inc.
fcc@bcpiweb.com

/s/ Ruth E. Holder
Ruth E. Holder